

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID POWELL,

Petitioner,

v.

Case No. 05-70594

Honorable Patrick J. Duggan

ANDREW JACKSON,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO
EXTEND TIME TO FILE NOTICE OF APPEAL**

Petitioner, David Powell, a state inmate currently incarcerated at the Mound Correctional Facility in Detroit, Michigan, through counsel, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, on February 5, 2005, alleging that he is being held in violation of his constitutional rights. This Court denied Petitioner's petition on January 12, 2007. Before the Court is Petitioner's motion to extend the time in which to file a notice of appeal, which was filed on January 29, 2007.

During the pendency of this case, Petitioner's counsel moved to Colorado, which has slowed her ability to effectively communicate with Petitioner. Moreover, counsel was out of town from January 16 to 23, 2007, which further prevented communication. As a result of the communication problems, counsel has been unable to contact Petitioner regarding proceeding with an appeal. Petitioner, therefore, through counsel, requests an extension of time in which to file a notice of appeal. Federal Rule of Appellate Procedure

4(a)(5)(C) allows for such an extension. FED. R. APP. P. 4(a)(5)(C). On that basis, the Court will grant Petitioner's motion.

Accordingly,

IT IS ORDERED, that Petitioner's Motion to Extend Time to File Notice of Appeal is **GRANTED**;

IT IS FURTHER ORDERED, that Petitioner has until March 2, 2007 to file his notice of appeal.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Dated: January 30, 2007

Copies to:
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